

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

ABDEL TORRES RODRIGUEZ
MARIBEL GORBEA DIAZ

Debtors.

DCFS USA LLC,

Movant,

ABDEL TORRES RODRIGUEZ
MARIBEL GORBEA DIAZ

Respondent

WILFREDO SEGARRA MIRANDA
Chapter 13 Trustee

DEFENDANTS.

CASE NO 09-07086-SEK

CHAPTER 13

Adversary No. _____

Index _____

(X) of acts against property under 11 U.S.C.
§362(d)(1) "Cause"

**STIPULATION ON MOTION TO LIFT STAY
UNDER SECTION 362 FILED BY DFCS USA LLC**

TO THE HONORABLE COURT:

Come now, DCFS USA LLC and the debtors by their undersigned counsel and very respectfully state and pray:

1. At the petition date of August 27, 2009 the principal balance owed to movant was \$34,126.01 and debtors owed \$4,109.69 in prepetition arrears.

2. DCFS filed a motion for relief from stay to proceed against the following described collateral leased by the debtors: 2007 Mercedes-Benz C230WZ, VIN WDBRF52H17A951168.

3. A final hearing was held December 1, 2009.
4. Debtors are in default in the making of the April 8, 2009 through the November 28, 2009 payments due to DCFS which payment arrearages together with late charges (if applicable) result in arrearages totaling \$6,270.77.
5. Debtors have not filed a plan.
6. The aforementioned arrearages totaling \$6,270.77 shall be paid by debtors to DCFS on or before December 28, 2011 when the lease matures.
7. Debtors shall resume the regular payment of \$720.36 with that due December 28, 2009. The payment address for the Movant is as follows:

DCFS USA LLC
Trustee Payments
PO Box 90001683
Louisville, KY 40290-1683

8. If Debtors default in the making of the arrearage payment under paragraph 6 above and if such arrearage payment is not received within 105 days of its due date, Movant, its successors and assigns, shall have relief from the automatic stay as to the above-described vehicle without further Order of this Court pursuant to 11 U.S.C. §362 so that it may proceed in accordance with any and all state and/or federal law remedies not inconsistent with Title 11 of the United States Code.

9. If the Debtors default in the making of any future regular payment commencing with that due December 28, 2009 and if any such future regular payment is not received within 10 days of its due date, Movant, its successors and assigns, shall have relief from the automatic stay as to the above-described vehicle without further Order of this Court pursuant to 11 U.S.C. §362 so that it may proceed in accordance with state law.

10. If the plan is not confirmed and the case is converted to Chapter 7, Movant its successors and assigns, shall have relief from the automatic stay as to the above-described vehicle without further Order of this Court pursuant to 11 U.S.C. §362 so that it may proceed in accordance with state law.

11. If relief becomes effective hereunder and if Movant enforces its remedies available under state law as to the above-described vehicle, Movant shall notify the Trustee who shall cease making plan distributions to Movant.

12. If applicable, following any liquidation of the above-described property, Movant may file a proof of claim as an unsecured creditor for any deficiency balance remaining due on its claim.

WHEREFORE, the appearing parties respectfully request that this agreement be approved and that the attached Consent Order be entered.

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Debtor (s) Abdel Torres Rodríguez and Maribel Gorbea Díaz, P.O. Box 29783, San Juan, Puerto Rico 00929; Debtors' Counsel, Edgar D. Brito Borgen, P.O. Box 362279, San Juan, Puerto Rico 0936-2279; Trustee, Wilfredo Segarra Miranda, P.O. Box 9023385, San Juan, Puerto Rico, 00902 3385 and U.S. Trustee Monsita Lecaroz Arribas, Ochoa Building, 500 Tanca Street, Suite 301, San Juan, Puerto Rico 00901.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico on this 11th day of December, 2009.

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USDC PR NO. 204906

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE

ABDEL TORRES RODRIGUEZ
MARIBEL GORBEA DIAZ

Debtor(s).

DCFS USA LLC

Movant,

v.

ABDEL TORRES RODRIGUEZ
MARIBEL GORBEA DIAZ

Respondent.

WILFREDO SEGARRA MIRANDA
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CONSENT ORDER

This cause came on December 1, 2009 to be heard upon Movant DCFS, USA LLC's motion for relief from stay to proceed against the following described collateral leased by the Debtors 2007 Mercedes-Benz C230WZ, VIN WDBRF52H17A951168 and was argued by counsel.

UPON CONSIDERATION WHEREOF, it appearing that (1) Debtors are in default in the making of the April 8, 2009 through the November 28, 2009 payments due Movant, which payment arrearages together with late charges (if applicable) result in arrearages totaling \$6,270.77, (2) Debtors have not filed a plan, (3) that the Debtors consent to the entry of this Order and (4) that Counsel for Debtors represents that Debtors have already received notice of this agreement, and for other good cause it is shown, it is

ADJUDGED and ORDERED as follows:

1. The aforementioned arrearages totaling \$6,270.77 shall be paid by Debtors to Movant on or before December 28, 2011.

2. Debtors shall resume the regular payment of \$720.36 with that due December 28, 2009. The payment address for the Movant is as follows:

DCFS USA LLC
Trustee Payments
P.O. Box 9001683
Louisville, KY 40290-1683

3. If Debtors default in the making of the arrearage payment under paragraph 1 hereof and if such arrearage payment is not received within 105 days of its due date, Movant, its successors and assigns, shall have relief from the automatic stay as to the above-described vehicle without further Order of this Court pursuant to 11 U.S.C. § 362 so that it may proceed in accordance with any and all state and/or federal law remedies not inconsistent with Title 11 of the United States Code.

4. If the Debtors default in the making of any future regular payment commencing with that due December 28, 2009 and if any such future regular payment is not received within 10 days of its due date, Movant, its successors and assigns, shall have relief from the automatic stay as to the above-described vehicle without further Order of this Court pursuant to 11 U.S.C. § 362 so that it may proceed in accordance with state law.

5. If the plan is not confirmed and the case is converted to Chapter 7, Movant its successors and assigns, shall have relief from the automatic stay as to the above-described vehicle without further Order of this Court pursuant to 11 U.S.C. § 362 so that it may proceed in accordance with state law.

6. If relief becomes effective hereunder and if Movant enforces its remedies available under state law as to the above-described vehicle, Movant shall notify the Trustee who shall cease making plan distributions to Movant.

7. If applicable, following any liquidation of the above-described property, Movant may file a proof of claim as an unsecured creditor for any deficiency balance remaining due on its claim.

It is so ordered.

San Juan, Puerto Rico this December ___, 2009.

Sara E. De Jesús Kellogg
U.S. Bankruptcy Judge